

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIGUEL AGUILAR,

Plaintiff,

v.

CIV 09-0771 JCH/GBW

CITY OF ROSWELL, SCOTT
DOUGLASS, RICK HENDRICKS
SCOTT HENDRIX, ALBERT PADILLA,
JIMMY PRESTON, TRAVIS HOLLEY,
ALLISON HERRING, RACHEL SERGEANT,
CHRISTINA HERNANDEZ, JANE DOES I
AND II, *Individually and as agents and
employees of the City of Roswell,*

Defendants.

ORDER TEMPORARILY GRANTING MOTION FOR STAY DISCOVERY

This matter is before the Court on Defendant Dispatchers' Motion to Stay Discovery.

Doc. 86. The matter is fully briefed and the Court has determined that no hearing or further briefing is required. *Doc. 98, 102.*

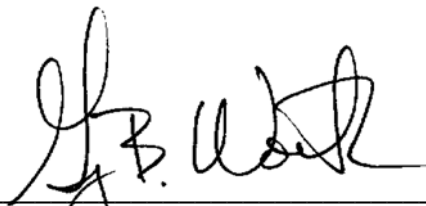
Defendants' seek a stay of discovery "until this Court has resolved the issue of whether Defendant Dispatchers are entitled to qualified immunity." *Doc. 86* at 2. Plaintiff opposes the stay because (1) his Complaint raises a number of claims not subject to the qualified immunity defense; (2) the stay will cause significant delay in a case already delayed; and (3) in any event, these defendants are not entitled to the qualified immunity

defense. *Doc. 98.*

Also relevant is a separate Motion to Stay Proceedings filed by the Defendant Police Officers due to the potential of an ongoing criminal investigation. *Doc. 111.* In that Motion which is not yet fully briefed, Defendant Police Officers seek to stay all discovery in the case pending resolution of the nascent criminal investigation. *Id.*

By separate Order, the Court has set a second settlement conference to be held on October 22, 2010. After that conference, sufficient time will have elapsed to permit the remaining briefing on the Motion to Stay Proceedings and to learn more about the status of the potential criminal investigation. Consequently, the Court will grant a six week stay of discovery as to all parties.¹ By this Order, the deadlines set in *doc. 104* are extended by six weeks.

IT IS SO ORDERED.


United States Magistrate Judge

¹ As discussed at the hearing on this matter, the stay will not apply to the pending discovery requests by Plaintiff regarding the insurance coverage for the City of Roswell. Counsel will confer in an attempt to agree on some limited discovery on this point. If counsel cannot reach an agreement, the Court will determine whether to extend the stay to those requests.

